Office of the
Information & Privacy
Commissioner
for British Columbia

Protecting privacy. Promoting transparency.

O.R.L.
office of the
registrar
of lobbyists
BRITISH COLUMBIA

Budget Submission

Fiscal Years
2013/14 - 2015/16

Presented to:

The Select Standing Committee on Finance
and Government Services
Legislative Assembly of British Columbia

November 20, 2012

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Overview

This is the budget submission of the Office of the Information and Privacy Commissioner ("OIPC") and the Office of the Registrar of Lobbyists ("ORL") for fiscal years 2013/14 through to 2015/16 inclusive. This budget submission supports the attached OIPC and ORL Service Plan for the same three-year period.

In this budget submission, the Information and Privacy Commissioner and the Registrar of Lobbyists requests, for fiscal year 2013/14, a combined operating budget of $5,656,000 and, for planning purposes, combined operating budgets for fiscal years 2014/15 and 2015/16 of $5,718,000 and $5,741,000 respectively. No change in the annual capital budget of $45,000 is requested for fiscal 2013/14.

Mandate of the Office of the Registrar of Lobbyists

On any given day in this province and across the country, lobbyists communicate with public office holders in an effort to persuade them to support certain causes. Non-profit organizations lobby for increased funding for health care research and treatment, increased social security and changes to the judicial system. Canadian businesses lobby for economic subsidies and changes to laws, regulations and trade agreements. Labour organizations lobby for increases to the minimum wage, safer working conditions and changes to workers' compensation benefits. These conversations provide public office holders with information relevant to their efforts to achieve public policy goals.

Lobbyists play an important role in promoting effective public decision-making. Through lobbying, citizens and organizations can communicate their ideas and concerns to public office holders. Lobbying can sharpen debate and improve decision-making by giving public office holders a wider range of evidence, perspectives and advice to inform their decisions and promote the public interest.

The BC *Lobbyists Registration Act* ("LRA") requires those who, for payment, communicate with public office holders, in an attempt to influence a number of outcomes, to register as lobbyists and provide information to the Registrar about those activities. The Registrar is responsible for making all of that information publicly available and does so through the maintenance of a web-based searchable registry. Public access to information about lobbyists and their activities is critically important to ensure transparency in government decision-making. The Registrar is tasked with enforcing compliance and does so through an interrelated mix of strategies including education, verification of information in registrations, compliance investigations and the levying of administrative penalties of up to $25,000.

The priorities that I outline below for the ORL can be accommodated within the existing budget, and I do not seek any further funding to administer my mandate under the LRA.

Office of the Registrar of Lobbyists Priorities for fiscal year 2013/14

This office has identified two key priorities for the ORL for fiscal year 2013/14.

1. Educational outreach to the charitable sector; and
2. Enhancing the public search function of the online Lobbyist Registry.

1. Educational Outreach to the Charitable Sector

Charities in British Columbia must operate within the rules outlined by the Canada Revenue Agency ("CRA"), as well as within the rules outlined by the *Lobbyist Registration Act* ("LRA").

The CRA prohibits charities from engaging in "prohibited political activities," and a charity that does not refrain from such activities places its charitable status at risk. There is considerable confusion across the charitable sector around the terms "lobbying," "prohibited political activity," "permitted political activity" and "charitable activity," and this confusion must be cleared up for three reasons. Firstly, charities may miss opportunities to legitimately influence public policy related to their stated charitable purposes. Secondly, they risk falling outside of the CRA rules, jeopardizing their charitable status. Finally, they risk investigation by the Registrar for failing to register lobbying activities.

The Office of the Registrar of Lobbyists will publish guidance as to the appropriate interpretation of the terms and will undertake educational sessions for the charitable sector in fiscal 2013/14.

2. Enhancing the Public Search Function of the Online Lobbyists Registry

The online registry is publicly available 365 days a year, 24 hours a day for the public to search who is lobbying what public office holder, on what subject, toward what end and on whose behalf.

We recently conducted targeted consultations with the media, researchers and lobbyists and asked them to evaluate and comment on the search functions of the registry. As a result of those consultations, we have committed to further enhancing the search capacity of the registry to allow for more complex searches and to produce a greater variety of reports that will increase the value of the data in the registry.

Mandate of the Office of the Information and Privacy Commissioner

The OIPC is the independent oversight agency responsible for monitoring and enforcing compliance with two statutes, the *Freedom of Information and Protection of Privacy Act* ("FIPPA") and the *Personal Information Protection Act* ("PIPA").

Under FIPPA, the OIPC enforces compliance with freedom of information and protection of privacy legislation by more than 2,900 public bodies, including ministries, Crown corporations, health authorities, municipalities, self-governing professions, universities and school districts. In discharging its mandate, the OIPC investigates and mediates access appeals and privacy complaints; conducts formal hearings; issues binding orders; comments on the access and privacy implications of proposed legislation, programs, policies and technologies; and educates the public about their access and privacy rights and public bodies about their legal obligations.

The work of the OIPC is critical to ensuring that decisions and actions of public bodies remain open and accountable, and that public bodies properly manage the personal information of citizens they collect in the delivery of public services.

PIPA sets the rules that private sector organizations, including businesses, labour organizations, interest groups and non-profits must follow in the collection, use and disclosure of customer, client and employee personal information. Similar to its duties under FIPPA, it is the OIPC's responsibility to enforce compliance of PIPA by an estimated 300,000 private sector organizations in British Columbia.

Under PIPA, the OIPC investigates complaints, adjudicates disputes and educates and informs the public about their consumer and employee privacy rights, and organizations about their privacy responsibilities.

OIPC Priorities for fiscal year 2013/14

This office has identified two key priorities for the OIPC for fiscal year 2013/14:

1. Continue the implementation of our new mandate under the *Freedom of Information and Protection of Privacy Amendment Act* 2011; and
2. Responding to the new privacy challenges posed by rapidly advancing information technology.

1. Continue the implementation of our new mandate under the FIPPA Amendment Act

The *Freedom of Information and Protection of Privacy Amendment Act* 2011 came into force in November 2011 and created unprecedented new oversight responsibilities for the OIPC that are unique amongst all Canadian jurisdictions. The OIPC has critical new responsibilities, notably to scrutinize and address the privacy challenges inherent in the government's plans for substantially increased sharing and linking of the personal information of British Columbians.

The OIPC has successfully completed the provisional work necessary for implementation of this new mandate, and has begun to apply its privacy expertise to ensuring that new government programs contain robust privacy safeguards.

During fiscal 2012/13 to date, the OIPC has:

- Scrutinized the privacy implications of common and integrated programs/activities and ensured that these programs are compliant with the privacy requirements of FIPPA;

- Provided expert advice on the development of regulations relating to: the collection of personal information based on consent; and how data linking initiatives must operate. These regulations were necessary before common and integrated programs could proceed. They came into force on June 25, 2012; and

- Produced guidance to assist public bodies in implementing their open government initiatives to comply with the new proactive disclosure requirements further to s. 71 of FIPPA.

Government has given itself the authority to proceed with an identity information management program, which will facilitate integrated and online service delivery for British Columbians. BC is the first Canadian jurisdiction to venture into this very complex area, and it is important the OIPC ensures government's requirements and efficiencies are balanced with transparency, personal privacy and data security. The demands required to actively monitor this initiative will require increasing resources of the OIPC.

As I noted last year, from experience of this office and that of other jurisdictions, I predicted the costs associated with this new mandate to be $453,000 for 2012/13 and an additional $107,000 for 2013/14 based on a phased hiring of 5 new staff. I also stated that this new mandate would bring a significant new work load and that the office, staffed as it was at the time, did not have the resources to fulfill any part of this new mandate. I am grateful to the Select Standing Committee for recommending approval of our budget request last year and for planning purposes recognizing the need for the additional $107,000 for salaries for 2013/14.

I hired four new staff to undertake this work in 2012/13 and intend to hire an additional policy analyst in 2013/14, if we receive the $107,000 as planned.

2. Responding to the new privacy challenges posed by rapidly advancing information technology

I would first like to describe the nature of the new privacy challenges that the OIPC is facing and then outline the resourcing issues that these challenges raise. Finally, I will identify the budgetary implications of meeting those challenges.

The Challenges

Governments are quick to embrace the service delivery advantages of new technology, but slow to realize the nature and extent of the potential negative impact to personal privacy that they pose. New technologies enable public bodies and organizations to gather, store and link vast collections of personal information at a pace and scale never before imagined. Information technology systems often contain personal financial and medical information, which if inappropriately disclosed can have extremely negative effects on the lives of individuals. The result of inappropriate disclosure can be financial theft, identity theft, and harm to the wellbeing of individuals. Recent experience in BC shows that the administrative, financial, and personal costs of dealing privacy breaches can be enormous for organizations and individuals.

One of the key aspects of new information technology is its increasing complexity, which makes the security arrangements even more complex and difficult to understand. As a result, organizations and government often fail to use new technology in a manner that

provides necessary security for personal information. Understanding the technical capabilities and implications of using these technologies is becoming an ever more specialized skill, requiring unique training and expertise.

Another key aspect is the processing power of the technology. Information technology allows public bodies and organizations to provide exponentially greater amounts of services to greater number of citizens at remarkable speeds compared to paper-based systems. However, the information systems also enable personal data on millions of individuals to be disclosed very quickly to unauthorized recipients, with potentially adverse results for those affected. The OIPC has recently seen privacy breaches involving information technology, such as the University of Victoria payroll information breach and a data breach involving the Ministry of Health research data, with a combined negative impact on tens of thousands of individuals.

The privacy challenges posed by information technology are becoming an increasing portion of the workload of the OIPC. Some examples of electronic systems with large amounts of personal information that the OIPC has reviewed to ensure they include the appropriate privacy safeguards are: BC Hydro's rollout of approximately 1.8 million smart meters across the province; the Insurance Corporation of British Columbia's use of facial recognition technology; and Victoria Police Department's use of Automated Licence Plate Recognition ("ALPR") technology. There are other highly technical projects involving large amounts of personal information by government and crown corporations under development, such as the BC Services Card, the next phase of the Integrated Case Management System and the possible next phase of BC Hydro's smart meters initiative that require assurance that privacy safeguards are built into them.

Resourcing Issues

As the number, size and complexity of these large information technology systems increase, the OIPC must deploy more sophisticated resources to ensure that the systems incorporate the appropriate privacy safeguards. From extensive experience, it is clear that advanced IT audit skills, and knowledge of information technology standards for assessing and implementing information security are required to meet the increasing challenges inherent in these large information technology systems.

The OIPC requires employees who understand computer engineering and data architecture. The OIPC currently has one technical specialist position, whose expertise has been indispensable in investigations involving information technology. There are a number of other cases where it was necessary to fly in technical expertise from other jurisdictions, at considerable expense, to assist with the privacy and security analysis of time sensitive projects.

Budgetary Implications

In my presentation last year I noted that, depending on the volume and complexity of the new information technology systems developed within government, the OIPC might need to request further resources for 2013/14. It is clear, based on information technology systems currently under development in ministries and crown corporations that we require additional technical expertise. Therefore, I am requesting funding for a senior technologist for fiscal 2013/14, which I believe will negate the requirement to fly in technical experts on an ad hoc basis.

The request is for salary and benefits of $130,000. I think this is a prudent investment to ensure that privacy safeguards are built into these information technology systems at the front end, especially given that the government is investing hundreds of millions of dollars in information technology programs, such as the Integrated Case Management System ($182 million), Integrated Corrections Operations Network ($8.5 million) and the BC Services Card ($150 million).

Budget Request for fiscal year 2013/14

For the reasons outlined above, I am requesting funding for:

1. The additional policy analyst for 2013/14, as indicated in my budget request last year at his time, which the Select Standing Committee supported for planning purposes. This funding amounts to $107,000 per year to cover salary and benefits;

2. A senior technologist position for 2013/14. This funding amounts to $130,000 per year in salary and benefits; and

3. An adjustment to cover government-wide benefit rate increases of 0.7% for all staff for a total amount of $18,000 and salary increments and adjustments for Schedule A (union-classified) staff estimated at $30,000. The total amount is $48,000. The employer has agreed to retroactively increase salaries of bargaining unit employees and Schedule A employees in our offices will receive the same salary increases.

   I have scrutinized the budget carefully to find savings to cover these costs. I am proposing to reallocate $25,000 from professional services to partially offset these costs. In summary, I am requesting an amount covering the remaining $23,000 of the estimated salary and benefit increases.

Even in tough and challenging fiscal circumstances facing BC and most other industrial economies, I believe my office's request is appropriate given the rapid growth in large-scale electronic service delivery programs and realistic given the hundreds of millions of dollars that these large information systems cost to build and operate.

In summary, I am requesting an increase of $285,000 in salary and benefits, with a reduction in professional services of $25,000 for a net increase of $260,000.

My total operating budget request in fiscal 2013/14 is $5,656,000.
November 20, 2012

ORIGINAL SIGNED BY

Elizabeth Denham
Information and Privacy Commissioner
for British Columbia
and Registrar of Lobbyists

Statement of Operations

Previous and Current Fiscal Years

	Fiscal 2011/12 (previous year)		Fiscal 2012/13 (current year)
	Budget	Actual Expenditure	Budget
Funding			
Voted Appropriation	4,906,000	4,785,148	5,396,000
Total	**4,906,000**	**4,785,148**	**5,396,000**
Expenses			
Salaries	2,592,000	2,767,755	2,973,000
Employee Benefits	547,000	568,599	619,000
Travel	67,000	74,522	67,000
Centralized Management Support Serv.	0	0	0
Professional Services	750,000	495,735	750,000
Information Systems	97,000	58,377	97,000
Office and Business Expenses	113,000	115,646	113,000
Information, Adv. & Publications	25,000	0	25,000
Statutory Adv. & Publications	20,000	17,262	20,000
Utilities, Materials and Supplies	16,000	19,577	16,000
Operating Equipment & Vehicles	12,000	8,351	12,000
Amortization	157,000	133,855	157,000
Building Occupancy	515,000	525,469	552,000
Internal Recoveries	(3,000)	0	(3,000)
Recoveries - Other	(1,000)	0	(1,000)
Recoveries - External	(1,000)	0	(1,000)
Total Expenses	**4,906,000**	**4,785,148**	**5,396,000**
Capital Budget			
Info. Systems, & Furniture & Equipment	45,000	34,258	45,000
Total Capital	**45,000**	**34,258**	**45,000**

Proposed 3 Year Budget Plan by Standard Object of Expenditure

STOB	Expense Type	Fiscal 2012/13 (current) Budget	Fiscal 2013/14 (Proposed) Estimates	Change	Fiscal 2014/15 Planned	Fiscal 2015/16 Planned
50	Salaries	2,708,000	**2,935,000**[1]	227,000	2,965,000	2,965,000
51	Supplemental Salary	6,000	**6,000**	0	6,000	6,000
52	Employee Benefits	619,000	**677,000**[1]	58,000	687,000	687,000
54	Officer of the Leg. salary	259,000	**259,000**[2]	0	259,000	259,000
57	Travel	67,000	**67,000**	0	67,000	67,000
59	Centralized Mgmt Support Serv.	0	**0**	0	0	0
60	Professional Services	750,000	**725,000**[3]	(25,000)	725,000	725,000
63	Information Systems	97,000	**97,000**[4]	0	97,000	97,000
65	Office and Business Expenses	113,000	**113,000**[5]	0	113,000	113,000
67	Info., Adv. and Publications	25,000	**25,000**[6]	0	25,000	25,000
68	Statutory Adv. & Publications	20,000	**20,000**[7]	0	20,000	20,000
69	Utilities, Materials and Supplies	16,000	**16,000**[8]	0	16,000	16,000
70	Operating Equipment, Vehicles	12,000	**12,000**	0	12,000	12,000
73	Amortization Expense	157,000	**157,000**[9]	0	157,000	157,000
75	Building Occupancy	552,000	**552,000**[10]	0	574,000	597,000
88	Internal Recoveries	(3,000)	**(3,000)**	0	(3,000)	(3,000)
89	Recoveries-Other	(1,000)	**(1,000)**	0	(1,000)	(1,000)
90	Recoveries-External	(1,000)	**(1,000)**	0	(1,000)	(1,000)
	Total	**5,396,000**	**5,656,000**	**260,000**	**5,718,000**	**5,741,000**
	Capital Budget					
	Info. Systems, & Furniture & Equip.	45,000	45,000[11]	0	45,000	45,000
	Total	**45,000**	**45,000**	**0**	**45,000**	**45,000**

Notes:

1. STOB 50 (Salaries) and STOB 52 (Employee Benefits)—Includes salaries for two new positions in fiscal 2013/14, one of which was supported for planning purposes by the Select Standing Committee last fiscal year. The positions will support the office in meeting the responsibilities imposed by FIPPA Amendment Act 2011 as well as the reviewing the privacy implications of rapidly advancing information technology. The funding includes the Office's portion of Shared Services costs.

2. STOB 54 (Officer of the Legislature Salary)—The salary for the Information and Privacy Commissioner is set, by statute, as equal to the salary of the Chief Judge of the Provincial Court.

3. STOB 60 (Professional Services)—includes funding for professional service contracts and specialized contracts to conduct information and privacy investigations and audits; contracts to support compliance functions under the Office of the Registrar of Lobbyists; and funding for judicial review proceedings brought against the Office of the Information and Privacy Commissioner. Subject to any new direction from the Select Standing Committee, any dedicated funds for judicial reviews that are not expended during the Fiscal Year will be returned to the Consolidated Revenue Fund.

4. STOB 63 – Includes data lines, IDIR accounts, voice services, licensing, data communication and supplies.

5. STOB 65 (Office & Business Expenses)—Includes costs for office stationary and supplies, offsite file storage, postal and courier charges, printing expenses (other than reports), newspaper subscriptions, staff training, photocopier leases, and business meeting expenses.

6. STOB 67 (Information, Advertising & Publications)—Includes the costs of printing public reports other than the annual report to the Legislature.

7. STOB 68 (Statutory Advertising & Publications)—Includes costs for preparing and printing the annual report to the Legislature.

8. STOB 69 (Utilities, Materials, & Supplies)—Includes costs for utilities, recycling, books, and supplies.

9. STOB 73 (Amortization)—This is the cost of repaying Capital budget expenditures for IT equipment (information systems hardware and software), furniture and tenant improvements. Expenditures for tenant

improvements and furniture are amortized on a monthly basis over five years, whereas IT expenditures are amortized over three years.

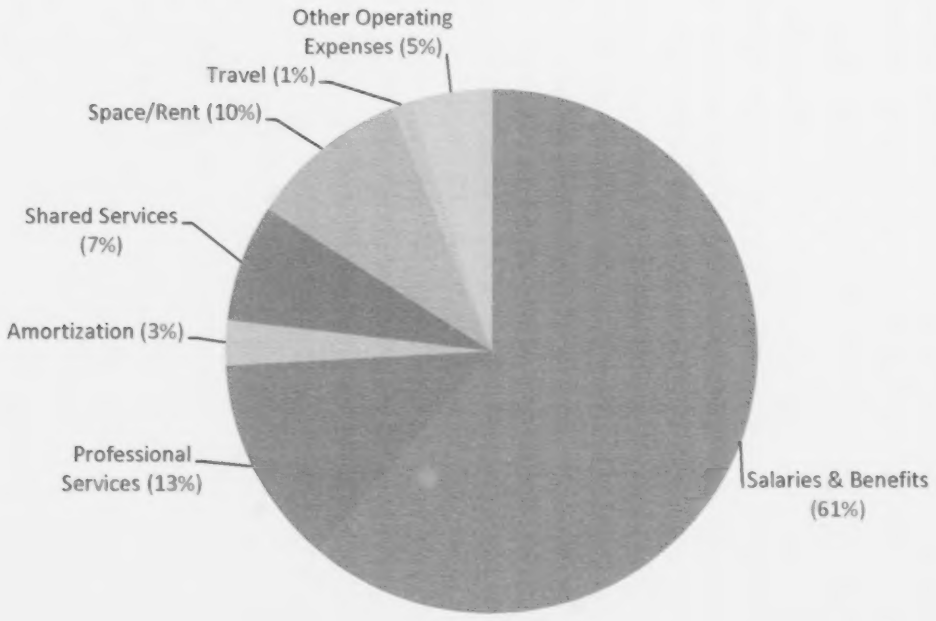
10. STOB 75 (Building Occupancy)—This is the Office of the Information and Privacy Commissioner's share of costs for the consolidated office space for the OIPC and three other independent offices at 947 Fort Street.

11. CAPITAL BUDGET— is for the purchase of IT equipment and furniture, and is consistent with the Capital budget in fiscal 2012/13. Capital amounts are repaid through amortization in STOB 73.

Proposed 3-year Budget plan, by Business Area

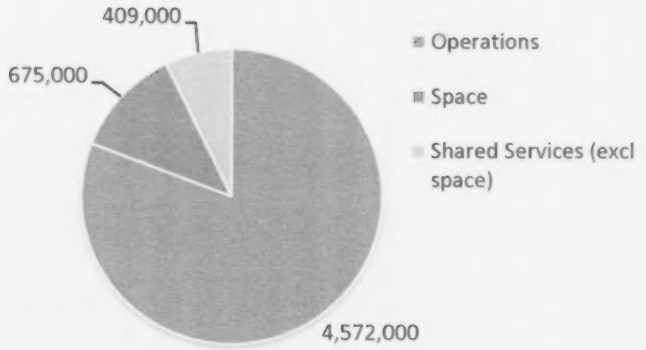
Business Area	Current Year Fiscal 2012/13	Proposed Fiscal 2013/14	Fiscal 2014/15	Fiscal 2015/16
Operating Expenses ($000)				
Core Services:				
- Public Sector Information & Privacy	3,286	**3,485**	3,532	3,549
- Lobbyists Registration	600	**600**	600	600
- Private Sector Privacy	1,109	**1,162**	1,177	1,183
Total Core Services	4,995	**5,247**	5,309	5,367
Shared Services	401	**409**	409	409
Total	**5,396**	**5,656**	**5,718**	**5,741**
Capital Expenditures (Consolidated Revenue Fund) ($000)				
Info. Systems, furniture & equipment	45	**45**	45	45
Total	**45**	**45**	**45**	**45**

Fiscal 2013/14 Proposed Operating Budget, OIPC and ORL by Expenditure Type

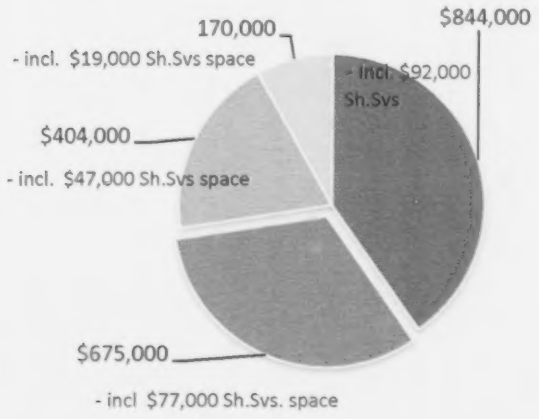


Fiscal 2013/14 Proposed Space and Shared Services Budgets: Office of the Information and Privacy Commissioner and Office of the Registrar of Lobbyists

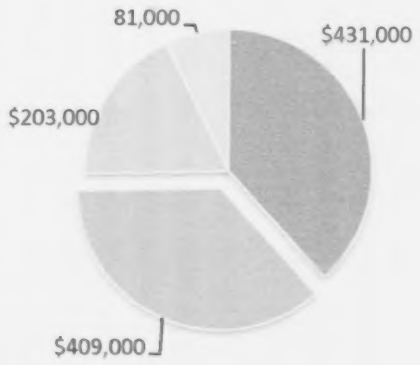
Operating Budget Request
Total: $5,656,000



Space Budget, All Offices
(incl Amortization of Tenant Improvement Capital Costs)
Total: $2,093,000



Shared Services Budget, All Offices
(excl. Space for Shared Services)
Total: $1,124,000



Ombudsperson | Info & Privacy Comm. | Police Complaint Comm. | Merit Commissioner

Ombudsperson | Info & Privacy Comm. | Police Complaint Comm. | Merit Commissioner

Office of the
Information & Privacy
Commissioner
for British Columbia

Protecting privacy. Promoting transparency.

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office of the
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BRITISH COLUMBIA

Service Plan

Fiscal Years 2014-2016

Presented to:

The Select Standing Committee on Finance
and Government Services
Legislative Assembly of British Columbia

November 20, 2012

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Message from the Information and Privacy Commissioner and the Registrar of Lobbyists

I am pleased to report that the past year was another productive and successful year for the Office of the Information and Privacy Commissioner ("OIPC") and the Office of the Registrar of Lobbyists ("ORL"). We made significant progress in our three service plan goals for the OIPC and two goals for the ORL.

As Information and Privacy Commissioner I issued five investigation reports and nine guidance documents in the last twelve months. Most recently, I issued a report on the use of Automated Licence Plate Recognition Systems by police last week. Earlier in the year, we completed an investigation into the privacy implications of the use of Smart Meters by BC Hydro and facial recognition software by the Insurance Corporation of British Columbia. The plan provides further information on these reports below. We also investigated a security breach at the University of Victoria involving staff payroll data, as well as the use of Criminal Record Checks by the government of BC.

The OIPC continued its public education through delivering speeches and conferences. In September 2012, we organized a well-attended Open Data Summit in Vancouver. We also continued our program of delivering specialized training sessions to access and privacy professionals in a broad range of local public bodies (municipalities, schools, universities, health authorities and crown corporations. Again we co-organized, with our colleagues in Alberta, a highly successful, seventh annual private sector privacy conference. Over 200 delegates attended, most of who were privacy practitioners for small and medium sized businesses.

I am pleased to report that our strategies for dealing with our significant caseload continue to be successful. Last fall, I reported a reduction in our backlog from 180 to 100 files. We have reduced it further to 90 files and falling as of November 2012.

The provisions of the *Freedom of Information and Protection of Privacy Amendment Act* 2011 are also attracting interest around the world because they take a new approach to protecting privacy while providing for the delivery of "Gov. 2.0" (or online government service delivery). British Columbians are relying on my office to monitor these initiatives to see that privacy protection is built in to the design of programs and information systems. At the same time, public bodies rely on advice from my office to help guide them in privacy sensitive and secure system design.

As Registrar of Lobbyists, I continue to provide education and outreach to registered lobbyists. Significant technical improvements have been made to the Registry of Lobbyists to make it easier for lobbyists to keep their information current. Demands on the ORL have also increased.

The Office has issued 14 investigation reports to the legislature this fiscal year and I anticipate we will issue further reports in the coming months.

November 20, 2012

ORIGINAL SIGNED BY

Elizabeth Denham
Information and Privacy Commissioner
for British Columbia
and Registrar of Lobbyists

Vision

- A community where privacy is valued, respected and upheld in the public and private sectors;
- A community where access to information rights are understood and robustly exercised;
- A community where public agencies are open and accountable to the citizenry they serve; and
- A community where lobbying is understood, respected, and transparent.

Mandate

Under the *Freedom of Information and Protection of Privacy Act* ("FIPPA") and the *Personal Information Protection Act* ("PIPA"), the mandate of the Office of the Information and Privacy Commissioner ("OIPC") is to:

- Independently review decisions and practices of public bodies and private sector organizations concerning access to information and protection of privacy;
- Comment on the implications for access to information or protection of privacy of proposed legislative schemes, automated information systems, record linkages, and programs of public bodies and organizations; and
- Educate and inform the public about access and privacy rights.

Under the Lobbyists Registration Act ("LRA"), the mandate of the Office of the Registrar of Lobbyists ("ORL") is to:

- Promote awareness among lobbyists of registration requirements;
- Promote awareness among the public of the existence of the lobbyists registry;
- Manage registrations submitted to the lobbyists registry;
- Monitor and enforce compliance with the LRA.

Who we serve

Under FIPPA, PIPA, and the LRA, the Office serves:

- the information and privacy rights of citizens and consumers; and
- the Legislative Assembly of British Columbia.

How we do our work

The OIPC mediates and investigates access to information appeals and privacy complaints, conducts audits, delivers public education, reviews and comments on the privacy or access implications of legislation, programs or systems, conducts formal hearings and issues binding orders.

The ORL manages compliance through an interrelated spectrum of compliance strategies, including, in descending order: incentives, education and outreach to lobbyists and public office holders, verification of registration information, environmental scanning, reporting, investigation and administrative penalties, evaluation and adjustment. Each element of this strategy reinforces the others to achieve the objective of the Act, specifically enhancing transparency, accountability and integrity in lobbying.

O.R.L.
office of the registrar of lobbyists
BRITISH COLUMBIA

SERVICE PLAN OF THE OFFICE OF THE REGISTRAR OF LOBBYISTS

The ORL seeks province-wide compliance with the LRA through a series of interrelated compliance strategies. Our approach is built on guidelines recommended in *Lobbyists, Governments and Public Trust*, a report by the Organisation for Economic Co-operation and Development. [1] The ORL service plan is based on fiscal years.

Compliance Principles

- The purpose of the LRA is to enhance transparency in lobbying;
- Lobbying in British Columbia must comply with current legislation and regulations;
- Cost-effective, informal and non-punitive forms of resolving minor matters of non-compliance should be used where appropriate;
- Enforcement activities will be carried out in a fair, objective, respectful and consistent manner;
- Educating the public about the existence of and uses of the public lobbyist registry is critical to achieving the policy objective of transparency;
- Ongoing dialogue with the stakeholder community – lobbyists, organizations, public office holders, fellow oversight agencies and the public – is essential to ensuring compliance strategies remain timely, cost-efficient and effective; and
- Effective compliance and enforcement is a mix of inter-related and coordinated strategies.

[1] For the complete text of the OECD report, see: http://www.oecd.org/dataoecd/5/41/41074615.pdf

Goals, Strategies and Performance Measures

Goal 1—Provide education and outreach for lobbyists, public office holders and the public

Strategies

- Develop and publish educational material for posting on the ORL website, including general guides, self-assessment, FAQs, advisory bulletins and online journals.
- Develop and deliver province-wide educational outreach targeted at the non-profit sector.
- Develop and deliver educational outreach events for public office holders.
- Develop and deliver educational outreach events and advisory materials for members of the public.
- Publish ORL online journal, *Influencing BC*, and circulate widely.
- Manage and keep current the Office of the Registrar of Lobbyists website: www.lobbyistsregistrar.bc.ca
- Publish monthly summaries of registered lobbying activities in the province.

Performance Measures	2011/12 Target	2011/12 Actual	2012/13 Target	2013/14 Target	2014/15 Target
1. New educational material developed and delivered the lobbying community.	15	18	15	15	18
2. Outreach for lobbyists on the LRA	4	4	4	4	4
3. Outreach for public office holders on the LRA	2	2	4	4	4
4. Outreach for the public on the LRA	12	12	12	12	12
5. Publication of Influencing BC – an online journal on lobbyists, lobbying, and transparency in public influence	3	3	3	3	3
6. Number of speaking and stakeholder engagements for the Deputy Registrar of Lobbyists	5	5	7	7	9

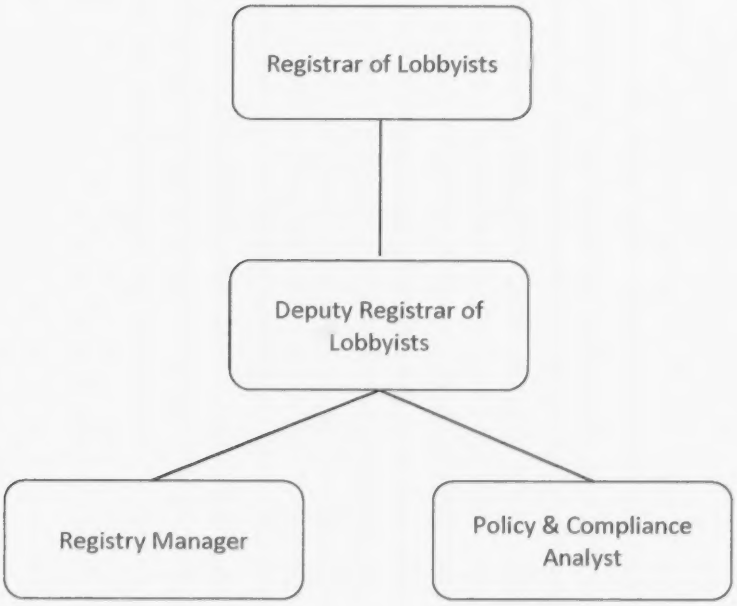
Goal 2—Monitor and enforce the *Lobbyists Registration Act*

Strategies

- Analyze a variety of publicly available information sources to identify government priorities, organization priorities and possible unregistered lobbying.
- Conduct administrative reviews and formal investigations as appropriate.
- Establish and maintain ongoing dialogue with stakeholder groups (including those who lobby, those who employ lobbyists, and those who are lobbied) about registration requirements and compliance issues.

Performance Measure	2011/12 Target	2011/12 Actual	2012/13 Target	2013/14 Target	2014/15 Target
7. Number of registrations received on time	85%	88%	85%	90%	90%
8. Conduct environmental scans	75	40	50	50	50
9. Conduct administrative reviews	15	91	30	30	25
10. Conduct compliance investigations	5	18	10	10	15
11. Meetings with stakeholders to identify compliance hurdles	2	2	6	6	6

Organizational Structure:
Office of the Registrar of Lobbyists



SERVICE PLAN OF THE OFFICE OF THE INFORMATION AND PRIVACY COMMISSIONER

Goals, Strategies and Performance Measures

Goal 1—An Open and Accountable Public Sector

The goal of FIPPA is to ensure public bodies are accountable to citizens. It does so by giving the public a right to request records in the custody and control of public bodies and requires those public bodies to respond to access requests openly, accurately and without delay. Last year, I indicated that my first priority was to encourage government ministries and other public bodies to consider ways to make information available, in a timely fashion, without a formal access to information request through proactive disclosure. I am pleased to report that there have been significant improvements both in the area of timely response to access requests as illustrated in the table below, and in the area of proactive disclosure.

Strategies

- In fiscal 2012/13 we began to develop an access to information framework that will guide public bodies in their proactive disclosure and open data programs. We plan to publish the guidelines in the coming months.

- We are also monitoring the implementation of the new requirement, under s. 71 of FIPPA that requires the head of each public body establish categories of records to be made available without request. As part of this new role, we currently auditing the provincial government's open information/open data program.

Performance Measure	2010/11 Final	2011/12 Final	2012/13 Target	2013/14 Target	2014/15 Target
1. Average processing days for all ministries (business days)	22	26	20	20	20
2. Percentage of access requests processed on time by all ministries	93%	90%	95%	95%	95%
Data Source: The data for 2010/2011 final was obtained from the OIPC report, "Report Card on the Timeliness of Government's Access to Information Responses", released September 22, 2011.					

Goal 2—Protection of Privacy in Networked Systems and New Technologies

New technologies and networked systems present unique privacy challenges for government, businesses and regulators. They allow public bodies and organizations to gather, store and link extensive amounts of personal information. The technology is complex, the security arrangements difficult to understand; organizations and public bodies are often unsure of how to use new technology in a manner that protects personal information.

In my time as Commissioner, I have directed greater resources into investigations of systemic issues, audits and special reports, recommending best practices and developing guidelines that will allow governments and the private sector to fully avail themselves of new technologies, while protecting privacy at the same time.

Strategies

- In order to continue to fulfill our new mandate under the 2011 amendments to FIPPA our strategies for the next year will include:
  - Provide input on regulations under FIPPA related to data–linking;
  - Provide input on the Information Sharing Code of Practice development by the Minister of Citizens' Services and Open Government;
  - Educate public bodies and our expectations with respect to privacy impact assessments;
  - Review, comment on and monitor the privacy and security implications related to government's new identity management system, which includes the BC Services Card project.
- This year our strategies in the health sector will include:

- Convene an expert group to continue discussion of best practices for release of health information for research
- Research, consult and publish a white paper on health information legislation;
- Monitor the Provincial Electronic Health Record project; and
- Audit an electronic health record information system in a clinic environment.

Performance Measure	2010/11 Total	2011/12 Total	2012/13 Target	2013/14 Target	2014/15 Target
3. Percentage of OIPC post-investigation recommendations implemented by affected public bodies and organizations	98%	88%	95%	95%	95%
Data Source: As part of the OIPC investigation process, OIPC investigators ascertain compliance with recommendations at the conclusion of each investigation and record them in the case file. The data is for all resolved privacy complaint and privacy breach files closed during the identified time period.					

Goal 3—Increase Awareness of Privacy Rights and Responsibilities

We have the responsibility to educate the public about PIPA and FIPPA. The Service Plan from last year indicated our intention to focus significantly more energy on public education duties. We have attempted to satisfy this duty using a variety of strategies including opinion and editorial pieces in local papers, presentations to large groups and organizations, delivery of conferences and creation of guidance documents.

In 2012/13, we will deliver over 100 presentations. We focus on audiences of access and privacy professionals to build capacity in the system. Further, with our colleagues at the Alberta Office of the Information and Privacy Commissioner, we organized the 7th annual PIPA Conference with almost 200 attendees, most of whom were privacy practitioners representing businesses operating in western Canada. In September, for Right to Know Week, we organized an Open Data Workshop in Vancouver, attended by 100 librarians and information professionals. The purpose was to enhance professional leadership in the emerging open data field.

We have also worked diligently on creating a new OIPC website which is now up and running. The new website is more user-friendly. It has enhanced searching capabilities, which, combined with other improvements, enables users to access the information they need with greater ease and speed. Our website is the main source for orders and decisions; investigation reports; correspondence of the Commissioner; policies and procedures; guidelines and other resource documents; our annual reports and service

plans; news releases; legislation and regulations; a sectional index; and notification of upcoming events.

Strategies

- This year, our strategies for public education and training will be to:
  - Issue privacy impact assessment guidance suitable for public and private sector;
  - Educate public bodies and organizations on how to conduct a privacy impact assessment;
  - Promote strong privacy management frameworks within public bodies and organizations using guidance documents, op/ed pieces and educational seminars;
  - Educate the public about their rights under FIPPA and PIPA using guidance documents, OIPC website, newspaper articles and public speeches;
  - Partner with Retail Council of Canada, and Consumer Protection BC to promote consumer privacy
  - Host a conference to mark the 20th anniversary of FIPPA: *Access and Privacy: Revolution and Evolution.*
  - Co-host a Western Canadian Health Information Privacy Conference.

Performance Measure	2010/11 Total	2011/12 Total	2012/13 Total*	2013/14 Target	2014/15 Target
4. Number of OIPC presentations	46	87	109	100	100
*Current year total is estimated based on the presentations for the period April 1, 2012 through November 2, 2012					

Goal 4—Efficient and Effective OIPC Operations

Most of our efforts are dedicated to providing independent and binding oversight to the more than 1000 complaints and reviews we receive each year. Over the years we have tried a variety of strategies to streamline our process and improve our response times. Last year, I reported that we had reduced our backlog of about 180 files from November 2010 to 100 in November 2011. We continued to implement the four strategies outlined in my Service Plan for 2011/12. This resulted in decreasing the backlog to 90 files and falling.

I am pleased to report that we exceeded our performance targets for closing of requests for review within 90 business days and for closing complaints within 120 business days in fiscal 2012.

With the creation of the new policy unit in my office, investigators who previously did both policy and investigation work, have been able to focus all of their attention on complaint and review investigations. This has also improved the efficiency of these investigations, as we are resolving files in less time (see the table below, Performance Measures 5 and 6).

Strategies

- During the last year we developed a new triaging system to identify (at an early stage) complaints and reviews that may be better dealt by another complaints body, those that are trivial and those that do not warrant an investigation. We have also strengthened our "refer back" policy – which requires individuals to take their complaint first to the public body or organization. In addition, we are resolving a higher percentage of complaints informally over the telephone at the first point of contact. We have devoted greater training and expertise to the intake service officer position. As a result of all of these initiatives, we have reduced the numbers of formal written complaint files opened.

- We will also continue the strategy of re-assigning and re-aligning resources as necessary to address high traffic areas. For example, where necessary, we will assign more existing resources to intake or early resolution and use temporary contracted services to fill any gaps in investigation. We intend to use a flexible and agile service delivery model to support all of the goals and strategies of the OIPC. We will leverage other OIPC offices resources, participate in joint projects where possible, use temporary contracted services for time limited projects and reassign OIPC staff as necessary.

Performance Measure	2011/12 Target	2011/12 Total	2012/13 Target	2013/14 Target	2014/15 Target
5. Proportion of FIPPA and PIPA requests for review settled without inquiry	94%	93%	95%	95%	95%
6. Proportion of FIPPA and PIPA review files resolved within 90 business days	55%	61%	65%	65%	65%
7. Proportion of FIPPA and PIPA complaint files resolved within 120 business days	63%	71%	75%	75%	75%
8. Average number of orders and other decisions produced per adjudicator per year	22	18	22	22	22

Caseload Statistics:
Office of the Information and Privacy Commissioner

Files Received by File Type				
File Type	**Fiscal 2009/10**	**Fiscal 2010/11**	**Fiscal 2011/12**	**Fiscal 2012/13 Projected ***
Appeals (requests for review)	562	538	568	608
Complaints	573	561	572	418
Requests for time extensions	382	352	382	626
Policy consultations	104	65	100	140
Review of bills	42	37	55	78
Speeches	59	47	87	109
Privacy breach reviews	71	65	84	128
Others**	568	400	582	765
Sub total	**2180**	**2065**	**2430**	**2872**
General requests for information & assistance	3787	3744	4353	3707
Total all files	**5967**	**5809**	**6783**	**6579**

*Data extrapolated from number of files received between April 1, 2012 and November 2, 2012
** Other files types include media inquiries, conference attendance, copy only (FYI letters), projects

Organizational Structure:
Office of the Information and Privacy Commissioner